

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MATHEW MARTOMA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/16/13

ORDER

12 Cr. 973 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Pending before the Court are Defendant's motion to compel (Dkt. No. 35) and Intervenor Dr. Sidney Gilman's motion for a protective order (Dkt. No. 46). The Court requires additional information from the parties before these motions can be addressed. Accordingly, it is hereby ORDERED that the parties and Intervenor Dr. Gilman shall provide written submissions to the Court addressing the following issues:

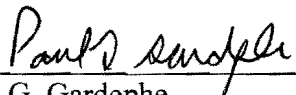
- (1) the specific material that the Defendant has requested, from what party the material was requested, and when the request was made;
- (2) the manner in which the request was made, whether by subpoena, letter request, or some other means;
- (3) the legal basis for the request, whether Federal Rule of Criminal Procedure 16, 18 U.S.C. § 3500, Giglio, Brady, or some other rule, doctrine, or case;
- (4) a list of the documents and/or communications that Dr. Gilman argues are properly withheld as privileged, the nature of the privilege asserted for each document and/or communication withheld – whether attorney-client privilege, the work product doctrine, or some other privilege – and a log setting forth the nature and date of the documents and/or communications, and the participants to withheld communications; and
- (5) as to documents and communications withheld on privilege grounds, a statement by the Defendant as to whether he seeks production of this material and, if so, the relevance of the material sought.

The Government is further directed to submit an affidavit concerning what agreement or agreements it entered into with Dr. Gilman concerning the confidentiality of the materials Dr. Gilman provided to the Government, including any agreement or agreements addressing the attorney-client and marital privileges, the work product doctrine, or any other legal privilege.

Submissions addressing these issues, supported by appropriate evidence, are due by **5:00 p.m. on December 18, 2013.**

Dated: New York, New York
December 16, 2013

SO ORDERED.



Paul G. Gardephe
United States District Judge